

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

j2 GLOBAL COMMUNICATIONS, INC., §
§
Plaintiff, § **CASE NO. 6:08-cv-211**
§
vs. § **JURY TRIAL DEMANDED**
§
PROTUS IP SOLUTIONS, INC., §
§
Defendant. §

PLAINTIFF'S REPLY TO DEFENDANT'S COUNTERCLAIMS

Plaintiff j2 Global Communications, Inc. ("j2") respectfully submits the following Reply to Defendant Protus IP Solutions, Inc.'s ("Protus") Counterclaims for Declaratory Relief:

1. j2 admits the allegations in paragraph 1.
2. j2 admits the allegations in paragraph 2.

Jurisdiction and Venue

3. j2 admits that Protus purports to seek a declaratory judgment. j2 also admits that this action arises under the patent laws of the United States. j2 also admits that this Court has jurisdiction over this matter and that there is an actual controversy between the parties. j2 denies the remaining allegations in paragraph 3.

4. j2 admits that the Court has personal jurisdiction over j2 for purposes of this action. j2 denies the remaining allegations in paragraph 4.

5. j2 admits the allegations in paragraph 5.

COUNT ONE:

Declaratory Judgment of Non-infringement

6. j2 admits the allegations in paragraph 6.
7. j2 restates and incorporates by reference its responses to paragraphs 1-5 of this counterclaim as though fully set forth herein.
8. j2 denies the allegations in paragraph 8.

COUNT TWO:

Declaratory Judgment of Invalidity

9. j2 admits the allegations in paragraph 9.
10. j2 restates and incorporates by reference its responses to paragraphs 1-5 of this counterclaim as though fully set forth herein.
11. j2 denies the allegations in paragraph 11.

AFFIRMATIVE DEFENSES

Without undertaking any burden of proof it does not have as a matter of law, j2 alleges the following affirmative defenses:

First Affirmative Defense

12. The Counterclaims fail to state a claim upon which relief may be granted.

Second Affirmative Defense

13. j2 expressly and specifically reserves the right to amend this answer to add, delete, or modify affirmative defenses based upon legal theory, facts and circumstances which may or will be developed through discovery or further legal analysis of Protus's claims and j2's position in this litigation.

PRAYER FOR RELIEF

WHEREFORE, j2 respectfully requests judgment on the Counterclaims as follows:

- A. Judgment on the Counterclaims in favor of j2;
- B. Dismissal of the Counterclaims with prejudice;
- C. An award to j2 of its costs and expenses incurred herein; and
- D. Such other and further relief as this Court deems just and proper.

Respectfully submitted,

Dated: September 9, 2008

PATTON, TIDWELL & SCHROEDER, L.L.P.

By: /s/ J. Kurt Truelove

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this 9th day of September 2008.

/s/ J. Kurt Truelove
J. Kurt Truelove